

Remarks/Arguments:

The pending claims are 1-4 and 6-19.

Applicants acknowledge with thanks the Examiner's statement that claim 3 would be allowable if rewritten in independent form. Applicants have rewritten claim 3 by including the features of claim 1 as it was written before its amendment in the present Response.

Applicants also acknowledge with thanks the courtesies extended to applicants' representative by the Examiner during a telephone interview on February 22, 2006 discussing the Examiner's interpretation of Yamada as applied to claim 1.

During the interview, the Examiner stated that claim 1 would avoid Yamada if it was clarified to recite the longitudinal axes of the rail and the first support. Based upon the Examiner's helpful suggestion, claim 1 has been amended to recite, in part:

a longitudinal axis of the rail is substantially orthogonal to a longitudinal axis of the first support, so that the longitudinal axis of the rail slides substantially orthogonally to the longitudinal axis of the first support.

Accordingly, claim 1 and dependent claims 2, 4, and 6 are now in condition for allowance.

Claim 17, has been amended in a manner that is similar to amended claim 1. It recites, in part:

positioning a longitudinal axis of the rail adjacent and orthogonal to respective longitudinal axes of first and second supports

Accordingly, claim 17 and dependent claim 18 are also in condition for allowance.

Claim 8 recites, in part:

a rail;

a support adjacent the rail;

an extension coupled to the support, the extension having a portion moveable with respect to the support between a first position preventing sliding of the rail with respect to the support and a second position permitting sliding of the rail with respect to the support.

For the reasons stated in applicants' response to the previous Office Action, claim 8 is not anticipated by Yamada even if, in a first interpretation, reference number 23 identifies an "extension" and lower rail 2 is considered to be a support.

On the other hand, even if lock plate 5 is considered to be a support for purposes of claim 8, "extension" 23 does not have "a portion moveable with respect to the support" 5. As shown in Figs. 3 and 4, "extension" 23 is a flange wall of lower rail 2. In fact, there are two flange walls 23 of lower rail 2. (col. 3, lines 20-23). It is important to note, however, that lower rail 2 is fixed to a floor of a passenger vehicle. (col. 1, lines 4-8; col. 3, lines 11-12). Yamada does not disclose or suggest that any portion of flange walls 23 are moveable in any direction whatsoever. To the contrary, since flange walls 23 are part of lower rail 2, and since lower rail 2 is fixed to the floor of the vehicle, it necessarily follows that flange walls ("extensions") 23 are likewise fixed and not moveable with respect to the vehicle or with respect to anything else.

Applicants recognize that lock plate 5 is "turnably supported" (col. 3, line 47) so that it can disengage from lower rail 2. (col. 3, lines 65-67) See also, col. 4, lines 12-16 ("The engagement of the engaging holes 53 with the teeth 24 is released by turning the lock plate 5. . . ."). Claim 8 does not recite that the extension and the support are moveable "relative to one another." Instead, claim 8 more specifically recites that the extension has a portion that is, itself, moveable with respect to the support. Since lower rail 2, and by necessity flange walls 23, are fixed in place, neither lower rail 2, nor any portion of flange walls 23, are moveable with respect to lock plate 5. Accordingly, claim 8 and dependent claims 9-16 are not subject to rejection under 35 U.S.C. § 102(b) as anticipated by Yamada et al.

Claims 7 and 19 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Yamada in view of Anthony (U.S. Patent No. 2,774,542). Claim 7 depends from amended claim 1. Claim 19 depends from amended claim 17. Anthony does not disclose or suggest the features of amended claim 1 that are missing from Yamada. For those reasons claims 7 and 19 are not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Yamada in view of Anthony.

Appln. No.: 10/727,763
Amendment Dated March 13, 2006
Reply to Office Action of January 13, 2006

UNS-455US

For all of the above reasons, applicants respectfully submit that claims 1-4 and 6-19 are now in condition for allowance.

Respectfully submitted,

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Dated: March 13, 2006

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March 13, 2006
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